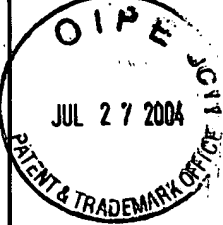


07-28-04

EXPRESS MAIL NO. EV449558524US

JTW AF
1642NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number
920010.448C8

VIA EXPRESS MAIL



In re Application of

Martin A. Cheever and Mary L. Disis

Application Number

09/167,516

Filed

October 06, 1998

For

COMPOUNDS FOR ELICTING OR ENHANCING IMMUNE
REACTIVITY TO HER-2/neu PROTEIN FOR PREVENTION
OR TREATMENT OF MALIGNANCIES IN WHICH THE
HER-2/neu ONCOGENE IS ASSOCIATED

Group Art Unit

1642

Examiner

CANELLA, Karen A.

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☒ A check including the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96.)

☒ attorney or agent of record. Registration No. 32,629.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a).

Signature

Richard G. Sharkey, Ph.D.

Typed or Printed Name

7/27/04

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of forms submitted.

MillicentS/499553

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